

**BOARD OF GAME AND INLAND FISHERIES MEETING MINUTES
4000 WEST BROAD STREET
RICHMOND, VIRGINIA**

JANUARY 17, 2006, 9:00 a.m.

PRESENT: Sherry Smith Crumley, Chairman, C. Marshall Davison, William T. Greer, Jr., John W. Montgomery, Jr., Richard E. Railey, Jr., Ward Burton, C. T. Hill, Charles S. Yates, Thomas A. Stroup, James W. Hazel; **ABSENT:** Randy J. Kozuch, schedule conflict; **LEGAL COUNSEL:** Roger Chaffe, **INTERIM DIRECTOR,** Colonel W. Gerald Massengill, **SENIOR STAFF:** Mike Bise, Ray Davis, Bob Duncan, Gary Martel, Charlie Sledd, David Whitehurst

Chairman Crumley called the meeting to order at 9:00 a.m. A quorum was present. Guests were welcomed. Dr. Greer read the Agency's mission statement, and the Pledge of Allegiance to the Flag was lead by Colonel Bise.

Chairman Crumley announced that the Board was adjusting the announced meeting agenda to receive committee reports after the closed session was convened.

1. Public Comments, Non-Agenda Items: The Chairman provided an opportunity for the public to speak on non-agenda items.

Dean Miller, Colonel Heights, VA expressed concern for legislation that has been introduced that would impact the Board, how members are appointed, and the Department. He indicated that he feels the Board is appropriately addressing identified problems. He also indicated that he would like to see Virginia's hunting accident statistics on the Web.

2. Recognition of Employees and Others: Rick Perry, Senior Resident Agent with the U. S. Fish and Wildlife Service's Law Enforcement Division was introduced. Agent Perry presented a mounted Virginia eagle to the Department to be used for educational purposes throughout the state.

3. Minutes of Meeting. The minutes of the December 14, 2005 meeting have been posted on the Web and copies were distributed to Board members in the briefing materials for this meeting. Chairman Crumley called for additions or corrections to the minutes. As there were none, **Mr. Railey moved, seconded by Mr. Hazel, passed unanimously in a show of hands vote, to approve the minutes as written. (Ayes: Railey, Stroup, Davison, Greer, Montgomery, Burton, Crumley, Hill, Yates, and Hazel)**

4. Regulation Proposal, Rescind Visitor Fees at Fish Hatcheries: Gary Martel presented a regulation proposal to amend **4 VAC 25-320-100 (G)** to rescind the requirement that the Department charge a \$1.00 per person visitor fee to state-owned fish hatcheries. Only \$6,000 has been collected since the fee was implemented.

After Board discussion, Chairman Crumley called for public comment.

Lee Albright, Montebello, Virginia: Dr. Albright spoke in support of the proposed regulation to rescind the \$1.00 fee charged to visitors to state-owned fish hatcheries.

Melvin Jacks, West Point, Virginia: Mr. Jacks spoke in support of the proposed regulation amendment to rescind the \$1.00 fee charged to visitors to state-owned fish hatcheries.

Mr. Railey moved, second by Mr. Stroup, passed unanimously in a show of hands vote, that the Board advertise for public comment a regulation proposal to rescind the requirement that a \$1.00 fee be charged to visitors to state-owned fish hatcheries. (Ayes: Railey, Stroup, Davison, Hill, Montgomery, Greer, Crumley, Yates, Burton and Hazel)

5. Goodall Family Request: Legal Counsel Roger Chaffe reported that he has met with counsel for the Goodall family. There is a better understanding of the involved issues, and counsel will consult further with the family.

James Adams reported that staff continues to evaluate the programmatic management of the Goodall property. He indicated that over 400 permits are issued to the public granting access to the approximately 1000 acre-property. Staff continues to collect information to get a better understanding of the public benefits being provided in order to be able to better advise the Board on a recommended action. Mr. Adams reported that the easement for management of this property was awarded to the Department by a court order.

6. Financial Report: Ray Davis presented a mid-year financial report to the Board. He noted that revenues are down slightly. Transfers are up slightly. Boat fund collections are also up slightly. Fishing, hunting and non-game revenues are down slightly. Operating costs continue to increase due to increased employee benefits. A high number of vacancies still exist in the Law Enforcement Division.

Cash balances are down approximately \$1.7 million because of the acquisition of the Featherfin and Cavalier properties. Staff will continue to monitor revenue trends.

The Board discussed the topic, and asked staff to analyze how Virginia's non-resident license fees compare to surrounding states. The Board also asked staff to analyze the impact of the new crossbow license on agency revenues, and to provide a report on final

license sales as soon as possible. Additionally, staff was requested to furnish a financial report to the Board for the month of February.

7. 2006 Legislative Session Update: Charlie Sledd presented an overview of legislation that has been introduced during the 2006 General Assembly session that impacts the Board and the Department. He also advised the Board that the Department's Web site features information on introduced legislation. Bills introduced deal with the Board and its authority and composition, boating and boating safety, Sunday hunting, trapping, local firearms ordinances, authorizes the Department to accept federal funds to respond to concerns heard from federal auditors, to allow the sale of bear parts, wildlife diseases, and other topics, including free licenses to military personnel meeting specific requirements.

Ms. Crumley encouraged Board members to attend the Sportsmen Caucus meetings that are held each Thursday morning at 7:00 a.m.

The Board discussed the watercraft sales and use tax. A portion of this tax was diverted from the Department for general fund use during the state's budget crisis. The revenue generated by this tax has not yet been fully restored to this agency. The Board agreed that all should work to have the full receipts of the watercraft sales and use tax returned to the Department. Ms. Crumley noted for the record that Governor Kaine, in his address to the legislature, asked that the Department receive \$2 million for land acquisition and other projects.

9. Chairman's Remarks: Ms. Crumley appointed a Nominating Committee composed of Marshall Davison, Chairman, Richard Railey and Thomas Stroup. She requested the Committee to meet the mandates of the Governance manual by having a nominee for Vice-Chairman for consideration at the March 21, 2006 meeting. Additionally, the Committee was requested to present nominations for Chairman and Vice-Chairman to take office in June 2006.

10. Director's Report: Colonel Massengill announced that L. Preston Bryant now serves as Secretary of Natural Resources. Nikki Rovner is the Deputy Secretary of Natural Resources. Assistant Secretaries are Jeff Corbin and Missy Neff. Carol Denson continues to serve as the administrative assistant to the Secretary's office.

Tom Wilcox presented an update on the Southeastern Association of Fish and Wildlife Agencies conference that Virginia will host in Norfolk November 5-8, 2006. A preview of "A New World" was shown. Mr. Wilcox announced that the theme for this year's conference is "Wildlife Management in the Next New World". Issues being addressed during the conference include wildlife diseases, changing cultural landscapes, how do we reach out to the expanding communities within states, conservation education, response

to natural disasters, and how to fund agencies. Board members were requested to assist with conference planning and to attend as schedules allow.

Colonel Massengill presented an overview of additional actions that have been taken to respond to the Internal Auditor's report. He indicated that the Law Enforcement Division has been restructured to conform to other law enforcement agencies. A career progression program has been created for game wardens. Mike Bise has been promoted to Colonel, effective January 10, 2006.

Titles within the Law Enforcement Division now consist of warden, senior warden, a corporal rank (no supervisory responsibility, but will result in a pay increase), lieutenants, captains, majors and one colonel. Lieutenant positions have been reduced from 33 to 7.

Other law enforcement agencies have been notified of why the change has been implemented, and are supportive.

Colonel Massengill announced that the Department has received official notification that its Wildlife Conservation Strategy Plan has been approved by the U. S. Fish and Wildlife Service. The Department successfully met the required eight elements. The plan is now called the Wildlife Action Plan. David Whitehurst and his staff were congratulated for their work on this effort.

Colonel Massengill announced that the Department has acquired over 6,600 acres of land (Featherfin, Cavalier, and a conservation easement on the Frey property via the Virginia Wildlife Foundation).

Mr. Hazel was recognized. To conform to the requirements of the Governance Manual, each Board member was requested to sign a pledge to abide by the requirements of the manual. He read the following pledge, which was signed by all members present. "We, the undersigned members of the Board of Game and Inland Fisheries, hereby acknowledge that we have read the Governance Manual adopted by the Board at its December 14, 2005 meeting, and that we pledge to conduct ourselves both as individual Board members and as the Board in its entirety in the manner set forth in the manual."

Chairman Crumley announced a break at 10:40 a.m. and the meeting reconvened with the closed session.

11. Closed Session: In open session at 10:50 a.m., **Mr. Hazel moved, seconded by Mr. Hill, passed unanimously in a show of hands vote that the Board go into closed session pursuant to § 2.2-3711 A.3 of the Code of Virginia for discussion or consideration of the acquisition of real property for a public purpose or for the disposition of publicly held real property with respect to a status report on a previously approved property acquisition in the County of Louisa, a status report**

on possible property acquisitions in Northern Virginia, and a discussion on possible partnerships for other property matters, and further, pursuant to §2.2-3711 A.1 of the Code of Virginia for discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or the resignation of specific public officers, appointees or employees of the Department of Game and Inland Fisheries specifically regarding the performance of the interim director. (Ayes: Hazel, Hill, Davison, Greer, Montgomery, Railey, Burton, Crumley, Yates and Stroup)

In open session at 11:50 a.m., **Mr. Hazel certified, seconded by Mr. Railey, passed unanimously** in a show of hands vote, that whereas the Board of Game and Inland Fisheries had convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act, and whereas § 2.2-3712.D of the Code requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law, now, therefore, be it resolved that the Board of Game and Inland Fisheries hereby certifies that (i) to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applied, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. (Ayes: Hazel, Railey, Davison, Greer, Montgomery, Burton, Crumley, Hill, Yates and Stroup).

11.Committee Reports: Audit Committee: Mr. Montgomery reported that Ray Davis, John Moore and Ed Walsh met January 12, 2006 to review November small purchase credit card activity. His schedule did not allow him to attend and participate. Three charges were found that had not been properly documented and staff has been counseled and retrained.

Policy Committee: Mr. Yates reported that the Policy Committee has not met since the December 14 meeting, but it continues to work with staff to complete the work of the committee.

Search Committee: Mr. Montgomery was recognized. **Mr. Montgomery moved, on behalf of the Search Committee, seconded by Mr. Hazel, passed unanimously in a show of hands vote that the Chair be authorized to enter negotiations with Colonel Massengill for an extension of his current contract, scheduled to expire May 24, 2006, consistent with the terms of that contract.** (Ayes: Montgomery, Hazel, Davison, Greer, Railey, Burton, Crumley, Hill, Yates and Stroup) Mr. Montgomery indicated for the record, that the contract resulting from the negotiation would not become effective until it is reviewed and approved by the full Board.

The Committee reported that the search for an agency director is on-going. A modified time-line will be presented to the Board at the March meeting. All candidates will be notified that the recruitment period has been extended, and each will be given an opportunity to indicate his willingness to continue to be considered for the position.

Adjournment: Chairman Crumley indicated that the Board's next scheduled meeting is March 21, 2006, beginning at 9:00 a.m.

As there was no further business, at 12:00 noon, **Mr. Stroup moved, seconded by Dr. Greer, passed unanimously in a show of hands vote, that the meeting adjourn.** (Ayes: **Stroup, Greer, Davison, Montgomery, Railey, Burton, Crumley, Hill, Yates and Hazel**)

Respectfully submitted,

Belle Harding
Recording Secretary

Corrected as requested at March 21, 2006 Meeting